

United States Government
NATIONAL LABOR RELATIONS BOARD
Region 16
819 Taylor Street - Room 8A24
Fort Worth, TX 76102-6178
Telephone: (817) 978-2921
Agency Web Site: www.nlr.gov

June 6, 2005

Tri-Pak Machinery, Inc.
Mr. David A. Fitzgerald, President
1102 N. Commerce Street
Harlingen, TX 78550

Re: Tri-Pak Machinery, Inc.
Case No. 16-RM-767

Dear Mr. Fitzgerald:

The above-captioned case, petitioning for an investigation and certification of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings are not warranted at this time. On May 24, 2005, the Regional Director issued a Complaint and Notice of Hearing in Case No. 16-CA-24112-1 alleging that the Employer violated Section 8(a)(1)(5) of the Act by failing and refusing to recognize and bargain with the International Brotherhood of Electrical Workers Local Union 1015 a/w International Brotherhood of Electrical Workers, AFL-CIO, CLC. Based upon the nature of the alleged violations of the Act, which, if proven, would condition or preclude the existence of a question concerning representation, I am dismissing the petition in this matter. Please be advised that, if appropriate, the petition is subject to reinstatement after disposition of the related unfair labor practice proceedings.

A review of this action may be obtained by filing a request with the National Labor Relations Board in Washington, D.C. See attached Form NLRB-4916 as to instructions for filing such request for review.

In the Regional Office's initial correspondence, the parties were advised that the National Labor Relations Board has expanded the list of permissible documents that may be electronically filed with the Board in Washington, DC. If a party wishes to file one of these documents electronically, please refer to the Attachment supplied with the Regional

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Office's initial correspondence for guidance in doing so. The guidance can also be found under "E-Gov" on the National Labor Relations Board web site: www.nlr.gov.

Sincerely,

Curtis A. Wells
Regional Director

cc: Law Offices of Glenn Jarvis
Glenn Jarvis, Attorney
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McAllen, TX 78503

IBEW, Local Union 1015
Mr. Jonathan Robles, Bus Mgr/Fin Sec
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Weslaco, TX 78596

IBEW
Mr. Edwin D. Hill, Int'l. Pres.
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Washington, DC 20001

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**INSTRUCTIONS FOR FILING REQUEST FOR REVIEW OF
ADMINISTRATIVE DISMISSAL OF REPRESENTATION PETITIONS**

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefor with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (eight copies) must be received by the Executive Secretary of the Board in Washington, D.C., by close of business on June 20, 2005. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.